

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**

Case No. 5:24-cv-01863-FWS (AS)

ALICIA WRIGHT,

Petitioner,

v.

E. RICOLCOL, WARDEN
VICTORVILLE,

Defendant.

**ORDER ACCEPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE [22]
AND OVERRULING OBJECTIONS
[23]**

I. Introduction and Relevant Procedural History

Before the court is the Magistrate Judge’s June 3, 2025, Report and Recommendation. (Dkt. 22 (“Report and Recommendation” or “R&R”).) Based on the state of the record, as applied to the applicable law, the court **ADOPTS** the Report and Recommendation issued by the Magistrate Judge, including each of the findings of fact and conclusions of law therein.

1 In summary, on August 2, 2024, Petitioner Joseph Robert Ward (“Plaintiff”) filed
2 a Petition for a Writ Of Habeas Corpus under 28 U.S.C § 2241. (Dkt. 1 (“Petition”).)
3 On December 6, 2024, Respondent E. Ricolcol, Warden of the Satellite Prison Camp in
4 Victorville, California, of the Federal Bureau of Prisons (“Respondent”), filed a
5 Motion to Dismiss the Petition. (Dkt. 15 (“Motion to Dismiss”).) On January 13,
6 2025, Petitioner filed an Opposition to the Motion to Dismiss. (Dkt. 18
7 (“Opposition”).) On June 3, 2025, the Magistrate Judge issued the Report and
8 Recommendation. (Dkt. 22) On June 20, 2025, Petitioner objected to the Report and
9 Recommendation. (Dkt. 23 (“Objections”).)

10 II. Discussion

11 “A judge of the court may accept, reject, or modify, in whole or in part, the
12 findings or recommendations made by the magistrate judge.” 28 U.S.C.
13 § 636(b)(1)(C); *see also* Fed. R. Civ. P. 72(b)(3) (stating “[t]he district judge must
14 determine de novo any part of the magistrate judge’s disposition that has been
15 properly objected to,” and “[t]he district judge may accept, reject, or modify the
16 recommended disposition; receive further evidence; or return the matter to the
17 magistrate judge with instructions”). Proper objections require “specific written
18 objections to the proposed findings and recommendations” of the magistrate judge.
19 Fed. R. Civ. P. 72(b)(2). “A judge of the court shall make a de novo determination of
20 those portions of the report or specified proposed findings or recommendations to
21 which objection is made.” 28 U.S.C. § 636(b)(1)(C); *see also United States v. Reyna-*
22 *Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (“The statute makes it clear that the
23 district judge must review the magistrate judge’s findings and recommendations de
24 novo if objection is made, but not otherwise.”). Where no objection has been made,
25 arguments challenging a finding are deemed waived. *See* 28 U.S.C. § 636(b)(1)(C)
26 (“Within fourteen days after being served with a copy, any party may serve and file
27 written objections to such proposed findings and recommendations as provided by
28 rules of court.”). Moreover, “[o]bjections to a R&R are not a vehicle to relitigate the

1 same arguments carefully considered and rejected by the Magistrate Judge.” *Chith v.*
2 *Haynes*, 2021 WL 4744596, at *1 (W.D. Wash. Oct. 12, 2021).

3 In the Report and Recommendation, the Magistrate Judge recommended that
4 the court issue an order:

5 (1) accepting this Report and Recommendation, (2) granting
6 Respondent’s Motion to Dismiss (Dkt. No. 15), and (3) directing that
7 Judgment be entered dismissing this action without prejudice.

8 (Report and Recommendation at 33.)

9 In the Objections, Petitioner states the following:

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11 Petitioner Wright respectfully objects to the Magistrate Judge’s denial because
12 the denial is based on a deficient understanding of the claim. The Magistrate
13 Judge did not address the claim in its entirety. The claim states that the BOP
14 policy of making a medium pattern scored inmate wait three years before a
15 transition to a lower scored pattern score is not “meaningful” because it
16 truncates other programs that reduces the length of an inmates sentence (i.e.
RDAP). The BOP’s policy of making an inmate wait a designated time period
is in direct conflict with the First Step Act.

17 (Objections at 1.)

18 After conducting a de novo review of the Objections, the court agrees with each
19 of the findings of fact and conclusions of law set forth in the Report and
20 Recommendation, including each of the recommendations contained therein.
21 Accordingly, Petitioner’s arguments set forth in the Objections are **OVERRULED** on
22 the merits.

23 In sum, pursuant to 28 U.S.C. § 636, the court has reviewed the record,
24 including the Report and Recommendation, the Petition, the Motion to Dismiss, the
25 Opposition, the Objections and the other records of the case. After conducting a de
26 novo review of the Objections, the court concurs with and accepts the findings and
27 conclusions of the Magistrate Judge in the Report and Recommendation.

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1 **III. Conclusion**

2 Based on the state of the record, as applied to the applicable law, the court
3 adopts the Report and Recommendation and accepts each of the findings of fact and
4 conclusions of law therein. Accordingly, the court **ORDERS** the following:

5
6 (1) The Motion to Dismiss is **GRANTED**.

7 (2) The Petition is **DENIED**, and the court will enter Judgment
8 **DISMISSING THIS ACTION WITHOUT PREJUDICE**.

9 (3) The Clerk shall serve copies of this Order, the Report and
10 Recommendation and the Judgment on Petitioner and counsel for
11 Respondent.

12
13 **LET JUDGMENT BE ENTERED ACCORDINGLY.**

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17 Dated: July 3, 2025



18 Hon. Fred W. Slaughter
19 UNITED STATES DISTRICT JUDGE